

SEC. 25 . ESTABLISHMENT OF OFFICE OF INTELLIGENCE IN DEPARTMENT OF AGRICULTURE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912 et seq.) is amended by adding at the end the following:

“SEC. 224B. OFFICE OF INTELLIGENCE.

“(a) ESTABLISHMENT.—There is established in the Department an Office of Intelligence. The Office shall be under the National Intelligence Program.

“(b) DIRECTOR.—

“(1) IN GENERAL.—The Office shall be headed by the Director of the Office of Intelligence, who shall be an employee in the Senior Executive Service and who shall be appointed by the Secretary. The Director shall report directly to the Secretary.

“(2) QUALIFICATIONS.—The Secretary shall select an individual to serve as the Director from among individuals who have significant experience serving in the intelligence community.

“(3) STAFF.—The Director may appoint and fix the compensation of such staff as the Director considers appropriate, except that the Director may not appoint more than 5 full-time equivalent positions at an annual rate of pay equal to or greater than the maximum rate of basic pay for GS-15 of the General Schedule.

“(4) DETAIL OF PERSONNEL OF INTELLIGENCE COMMUNITY.—Upon the request of the Director, the head of an element of the intelligence community may detail any of the personnel of such element to assist the Office in carrying out its duties. Any personnel detailed to assist the Office shall not be taken into account in determining the number of full-time equivalent positions of the Office under paragraph (3).

“(c) DUTIES.—The Office shall carry out the following duties:

“(1) The Office shall be responsible for leveraging the capabilities of the intelligence community and National Laboratories intelligence-related research, to ensure that the Secretary is fully informed of threats by foreign actors to United States agriculture.

“(2) The Office shall focus on understanding foreign efforts to—

“(A) steal United States agriculture knowledge and technology; and

“(B) develop or implement biological warfare attacks, cyber or clandestine operations, or other means of sabotaging and disrupting United States agriculture.

“(3) The Office shall prepare, conduct, and facilitate intelligence briefings for the Secretary and appropriate officials of the Department.

“(4) The Office shall operate as the liaison between the Secretary and the intelligence community, with the authority to request intelligence collection and analysis on matters related to United States agriculture.

“(5) The Office shall collaborate with the intelligence community to downgrade intelligence assessments for broader dissemination within the Department.

“(6) The Office shall facilitate sharing information on foreign activities related to agriculture, as acquired by the Department with the intelligence community.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Office \$970,000 for fiscal year 2022.

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) The term ‘Director’ means the Director of the Office of Intelligence appointed under subsection (b).

“(2) The terms ‘intelligence community’ and ‘National Intelligence Program’ have the meaning given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(3) The term ‘Office’ means the Office of Intelligence of the Department established under subsection (a).”

(2) CONFORMING AMENDMENTS.—

(A) Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by redesignating the first section 225 (relating to Food Access Liaison) (7 U.S.C. 6925) as section 224A.

(B) Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by adding at the end the following:

“(11) The authority of the Secretary to carry out section 224B.”

(b) CONFORMING AMENDMENTS RELATING TO EXISTING FUNCTIONS AND AUTHORITIES.—

(1) EXISTING FUNCTIONS OF OFFICE OF HOMELAND SECURITY OF DEPARTMENT RELATING TO INTELLIGENCE ON THREATS TO FOOD AND AGRICULTURE CRITICAL INFRASTRUCTURE SECTOR.—

(A) IN GENERAL.—Section 221(d) of the Department of Agriculture Reorganization Act (7 U.S.C. 6922(d)) is amended—

(i) by striking paragraphs (4) and (5); and

(ii) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(B) TRANSFER OF RELATED PERSONNEL AND ASSETS OF OFFICE OF HOMELAND SECURITY.—The functions which the Office of Homeland Security of the Department of Agriculture exercised under paragraphs (4) and (5) of section 221(d) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6922(d)) before the effective date of this paragraph, together with the funds, assets, and other resources used by the Director of the Office of Homeland Security of the Department of Agriculture to carry out such functions before the effective date of this paragraph, are transferred to the Director of the Office of Intelligence of the Department of Agriculture.

(2) CARRYING OUT INTERAGENCY EXCHANGE PROGRAM FOR DEFENSE OF FOOD AND AGRICULTURE CRITICAL INFRASTRUCTURE SECTOR.—Section 221(e) of the Department of Agriculture Reorganization Act (7 U.S.C. 6922(e)) is amended by adding at the end the following new paragraph:

“(3) AUTHORITY OF DIRECTOR OF OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.—The Secretary shall carry out this subsection acting through the Director of the Office of Intelligence of the Department.”

(3) COORDINATING WITH INTELLIGENCE COMMUNITY ON POTENTIAL THREATS TO AGRICULTURE.—Section 335(a)(3) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (7 U.S.C. 335(a)(3)) is amended by striking “strengthen coordination” and inserting “acting through the Director of the Office of Intelligence in the Department of Agriculture, strengthen coordination”.

(4) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect upon the appointment of the Director of the Office of Intelligence in the Department of Agriculture under section 224B(b) of the Department of Agriculture Reorganization Act of 1994 (as added by subsection (a)(1)).

SA 1594. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to es-

tablish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FEDERAL BUREAU OF INVESTIGATION REPORT ON ESPIONAGE AND INTELLECTUAL PROPERTY THEFT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit a report on the potential use of 10-year multi-entry visa programs of the United States by covered nations (as defined in section 2533c(d) of title 10, United States Code) to enable espionage and intellectual property theft against the United States to—

(1) the Select Committee on Intelligence of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) the Permanent Select Committee on Intelligence of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Homeland Security of the House of Representatives.

(b) CONTENTS.—The report required under subsection (a) shall include, at a minimum, an analysis of efforts by covered nations to exploit the visa programs described in subsection (a) and coerce individuals participating in such visa programs to aid in espionage or intellectual property theft by covered nations or entities under the jurisdiction of such covered nations.

SA 1595. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . WITHDRAWAL OF NORMAL TRADE RELATIONS TREATMENT FROM, AND EXPANSION OF BASES OF INELIGIBILITY FOR NORMAL TRADE RELATIONS OF, PEOPLE'S REPUBLIC OF CHINA.

(a) WITHDRAWAL OF NORMAL TRADE RELATIONS TREATMENT FROM THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding the provisions of title I of Public Law 106-286 (114 Stat. 880) or any other provision of law, effective on the date of the enactment of this Act—

(1) normal trade relations treatment shall not apply pursuant to section 101 of that Act to the products of the People's Republic of China;

(2) normal trade relations treatment may thereafter be extended to the products of the People's Republic of China only in accordance with the provisions of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), as in effect with respect to the products of the People's Republic of China on the day before the effective date of the accession of the People's Republic of China to the World Trade Organization; and

(3) the extension of waiver authority that was in effect with respect to the People's Republic of China under section 402(d)(1) of the Trade Act of 1974 (19 U.S.C. 2432(d)(1)) on the day before the effective date of the accession of the People's Republic of China to the World Trade Organization shall, upon the enactment of this Act, be deemed not to have expired, and shall continue in effect until the date that is 90 days after the date of such enactment.

(b) EXPANSION OF BASES OF INELIGIBILITY OF PEOPLE'S REPUBLIC OF CHINA FOR NORMAL TRADE RELATIONS.—

(1) IN GENERAL.—Section 402 of the Trade Act of 1974 (19 U.S.C. 2432) is amended—

(A) in the section heading, by striking “FREEDOM OF EMIGRATION IN EAST-WEST TRADE” and inserting “EAST-WEST TRADE AND HUMAN RIGHTS”; and

(B) by adding at the end the following:

“(f) ADDITIONAL BASES OF INELIGIBILITY OF PEOPLE'S REPUBLIC OF CHINA FOR NORMAL TRADE RELATIONS.—

“(1) IN GENERAL.—Products from the People's Republic of China shall not be eligible to receive nondiscriminatory treatment (normal trade relations), the People's Republic of China shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President shall not conclude any commercial agreement with the People's Republic of China, during the period—

“(A) beginning with the date on which the President determines that the People's Republic of China—

“(i) is in violation of paragraph (1), (2), or (3) of subsection (a);

“(ii) uses or provides for the use of slave labor;

“(iii) operates ‘vocational training and education centers’ or other concentration camps where people are held against their will;

“(iv) performs or otherwise orders forced abortion or sterilization procedures;

“(v) harvests the organs of prisoners without their consent;

“(vi) hinders the free exercise of religion;

“(vii) intimidates or harasses nationals of the People's Republic of China living outside the People's Republic of China; or

“(viii) engages in systematic economic espionage against the United States, including theft of the intellectual property of United States persons; and

“(B) ending on the date on which the President determines that the People's Republic of China is no longer in violation of any of clauses (i) through (viii) of subparagraph (A).

“(2) REPORT REQUIRED.—

“(A) IN GENERAL.—After the date of the enactment of this subsection, products of the People's Republic of China may be eligible to receive nondiscriminatory treatment (normal trade relations), the People's Republic of China may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and the President may conclude a commercial agreement with the People's Republic of China, only after the President has submitted to Congress a report indicating that the People's Republic of China is not in violation of any of clauses (i) through (viii) of paragraph (1)(A).

“(B) ELEMENTS.—The report required by subparagraph (A) shall include information as to the nature and implementation of laws and policies of the People's Republic of China relating to the matters specified in clauses (i) through (viii) of paragraph (1)(A).

“(C) DEADLINES.—The report required by subparagraph (A) shall be submitted on or before each June 30 and December 31 of each

year for as long as products of the People's Republic of China receive nondiscriminatory treatment (normal trade relations), the People's Republic of China participates in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, or a commercial agreement with the People's Republic of China is in effect.

“(3) WAIVER.—

“(A) IN GENERAL.—The President is authorized to waive by Executive order the application of paragraphs (1) and (2) for a 12-month period if the President submits to Congress a report that the President—

“(i) has determined that such waiver will substantially promote the objectives of this subsection; and

“(ii) has received assurances that the practices of the People's Republic of China relating to the matters specified in clauses (i) through (viii) of paragraph (1)(A) will in the future lead substantially to the achievement of the objectives of this subsection.

“(B) TERMINATION OF WAIVER.—A waiver under subparagraph (A) shall terminate on the earlier of—

“(i) the day after the waiver authority granted by this paragraph ceases to be effective under paragraph (4); or

“(ii) the effective date of an Executive order providing for termination of the waiver.

“(4) EXTENSION OF WAIVER AUTHORITY.—

“(A) RECOMMENDATIONS.—If the President determines that the further extension of the waiver authority granted under paragraph (3) will substantially promote the objectives of this subsection, the President may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

“(i) be made not later than 30 days before the expiration of such authority;

“(ii) be made in a document submitted to the House of Representatives and the Senate setting forth the reasons of the President for recommending the extension of such authority; and

“(iii) include—

“(I) a determination that continuation of the waiver will substantially promote the objectives of this subsection; and

“(II) a statement setting forth the reasons of the President for such determination.

“(B) CONTINUATION IN EFFECT OF WAIVER.—If the President recommends under subparagraph (A) the further extension of the waiver authority granted under paragraph (3), such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension, unless—

“(i) Congress adopts and transmits to the President a joint resolution of disapproval under paragraph (5) before the end of the 60-day period beginning on the date the waiver authority would expire but for an extension under subparagraph (A); and

“(ii) if the President vetoes the joint resolution, each House of Congress votes to override the veto on or before the later of—

“(I) the last day of the 60-day period referred to in clause (i); or

“(II) the last day of the 15-day period (excluding any day described in section 154(b)) beginning on the date on which Congress receives the veto message from the President.

“(C) TERMINATION OF WAIVER PURSUANT TO JOINT RESOLUTION OF DISAPPROVAL.—If a joint resolution of disapproval is enacted into law pursuant to paragraph (5), the waiver authority granted under paragraph (3) shall cease to be effective as of the day after the 60-day period beginning on the date of the enactment of the joint resolution.

“(5) JOINT RESOLUTION OF DISAPPROVAL.—

“(A) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this paragraph, the term ‘joint

resolution of disapproval’ means a joint resolution the matter after the resolving clause of which is as follows: ‘That Congress does not approve the extension of the authority contained in paragraph (3) of section 402(f) of the Trade Act of 1974 with respect to the People's Republic of China recommended by the President to Congress under paragraph (4) of that section on ____’, with the blank space being filled with the appropriate date.

“(B) PROCEDURES IN HOUSE AND SENATE.—The provisions of subsections (b) through (f) of section 152 shall apply with respect to a joint resolution of approval to the same extent and in the same manner as such provisions apply with respect to a resolution described in subsection (a) of that section, except that subsection (e)(2) of that section shall be applied and administered by substituting ‘Consideration’ for ‘Debate’.

“(C) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph is enacted by Congress—

“(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such other rules; and

“(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 402 and inserting the following:

“Sec. 402. East-West trade and human rights.”.

SA 1596. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6124 and insert the following:

SEC. 6124. FOREIGN FUNDING ACCOUNTABILITY.

(a) SHORT TITLE.—This section may be cited as the “Foreign Funding Accountability Act of 2021”.

(b) AMENDMENTS TO DISCLOSURES OF FOREIGN GIFTS AND CONTRACTS.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) DISCLOSURE REPORT.—

“(1) FILING.—An institution shall file a disclosure report with the Department of Education on January 31 or July 31, whichever is sooner, if the institution—

“(A) is owned or controlled by a foreign source; or

“(B) receives a gift or enters into a contract with a foreign source, the value of which is \$25,000 or more (including in-kind gifts, gifts to institution foundations, and gifts to any other legal entities that operate substantially for the benefit or under the auspices of the institution), considered